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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,016	06/11/1999	HIROSHI YAMAZAKI	1185.1047/JD	8878
21171	7590	11/30/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, DUNG T	
			ART UNIT	PAPER NUMBER
			2871	

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/330,016		YAMAZAKI ET AL.	
	Examiner		Art Unit	
	Dung Nguyen		2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' response dated 09/09/2004 has been received and entered. Claims 1-10 are pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 6-7 and 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Higuchi et al., US Patent No. 5,887,964, in view of Wortman et al., US Patent 5,771,328 as stated in the previous office action.

Regarding the above claims, Higuchi et al. disclose a surface light source device in a liquid crystal display device comprising:

- a guide plate (1) having an incident end face (2), an emission face (5) and a back face having wedge shape;
- a light source (L);

Higuchi et al. do not disclose the emission face having a light scattering element distributed, wherein the rough area having a roughness is small than that of the light scattering elements. However, Wortman et al. do disclose a guide light (film 30) in which emission face having a light scattering elements with a different roughness and the light scattering elements projected out the plane of the emission face (i.e., projecting out of dashed line 39) (see figure 3).

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In other words, a guide light can be provided with a rough area having a small roughness (e.g. portion having small prism) and a light scattering elements having a large roughness (e.g., portion having taller prism). Therefore, it would have been obvious to one skill in the art at the time of the invention was made to modify the Ishikawa et al. emission face having a rough area and a light scattering elements area, wherein the roughness of the rough area is smaller than that of the light scattering elements area as shown by Wortman et al. in order to obtain a display inhibiting visibly apparent optical coupling without substantially reducing the amount of light redirect toward a normal viewing axis (see Summary).

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 6 and 9 of U.S. Patent No. 6,339,458. Although the conflicting claims are not identical, they are not patentably distinct from each other because both application and the patent disclose a surface light source device having at least two different zones with two different roughness degrees.

Response to Arguments

5. Applicant's arguments filed 09/09/2004 have been fully considered but they are not persuasive.

Applicants' arguments are as follow:

- a. In figure 7 of Wortman et al., the light source 116, not the light directing film 118 corresponds with the claimed guide plate (response, page 5).
- b. Element 36 and 38 provide on a light directing film 30 are nothing but prism elements and have no light scattering ability (response, page 5).
- c. The light directing film does not have an end face as an incidence face and receives light through the backside of the film (response, page 5).
- d. The combination (Higuchi et al. and Wortman et al.) does not produce the invention since the elements 36 and 38 of Wortman et al. would not be incorporated into the light guide plate 1 of Higuchi et al. but the prism sheet 4 as shown in figure 8 (response, page 6).
- e. Claims 3, 6 and 9 of the '458 make no mention of a difference in roughness (response, page 7).
- f. The '458 patent and the present application do not have the exact same ownership (response, page 7)

The Examiner's responses are as follow:

- a. The Examiner is not convinced by this argument since the same is true of the Wortman et al. light guide film. It should be noted that light source and light guide plate are different; they would not be incorporated to each other as asserted by Applicants.

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- b. Elements 36 and 38 are prism; however, prism does have a function of irregularity in redirecting light (i.e., changing light path in different directions). In other words, such elements with a different size would have a different light scattering ability.
- c. The combination of Higuchi et al. and Wortman et al., as stated above, does not replace the Higuchi et al. guiding plate by the Wortman et al. light directing film. Such combination is just modify the Higuchi et al. guiding plate having a emission light surface having the elements 36 and 38 as shown by Wortman et al. figure 3.
- d. The combination of Higuchi et al. and Wortman et al. does not teach away, it would have been obvious to combine as stated in part c). It should also be noted that figure 8 of Wortman et al. is another embodiment (second application) of the directing film.
- e. The Examiner agrees that light emission and roughness are different; however, such both feature do relate to each other (e.g., smallness/largeness in roughness related to less or more light emission through the optical film).
- f. As stated in the final office action dated 06/03/2003, there is at least a common assignee (e.g., Enplas Corporation) in the present application and the '458 patent. Therefore, the double patenting rejection proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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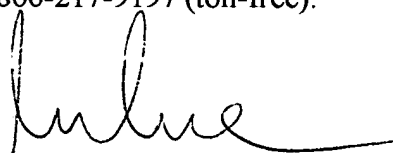
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Nguyen whose telephone number is 571-272-2297. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN
11/25/2004



Dung Nguyen
Primary Examiner
Art Unit 2871